

Enrolled
House Bill 2351

Sponsored by Representatives POWER, HELM; Representatives MCLAIN, NERON, WILDE, Senator TAYLOR (Presession filed.)

CHAPTER

AN ACT

Relating to motorboats; amending ORS 830.175.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 830.175 is amended to read:

830.175. (1) The State Marine Board, upon consideration of the size of a body of water and traffic conditions, may make special regulations consistent with the safety and the property rights of the public or when traffic conditions become such as to create excessive congestion, relating to the operation of boats in any waters within the territorial limits of any political subdivision of this state. The regulations may include, but need not be limited to, the establishment of designated speeds, the prohibition of the use of motorboats and the designation of areas and times for testing racing motorboats.

(2) The governing body of a political subdivision of this state may apply to the board for special regulations relating to the designation of moorage areas on lakes or reservoirs which are under the jurisdiction of a public agency, or to the operation of boats on the waters within the territorial limits of the political subdivision. Within a reasonable time, the board shall act upon the application in the manner provided in subsection (1) of this section. When special regulations have been established within a political subdivision in accordance with this subsection, the governing body shall establish and maintain the navigational markers prescribed by the board.

(3) The board may make special regulations relating to the operation of boats, including the establishment of designated speeds and prohibition of the use of motorboats for the protection of game and game fish at the request of the State Fish and Wildlife Commission, or for carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542, and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925. Action necessary to implement this section, including but not limited to the operation and manner of operation of boats, shall be by a permit system initiated by the board.

(4)(a) The board may make special regulations relating to the operation of boats on the Willamette River within the Willamette River Greenway, including the establishment of designated speeds or other methods to manage boat wake energy, as may be needed for the protection of the shoreline, public and private property, fish and wildlife habitat and vegetation. When adopting regulations under this subsection, the board shall take into consideration the statewide land use planning goals and guidelines adopted by the Land Conservation and Development Commission to protect, conserve and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River Greenway.

(b) Paragraph (a) of this subsection does not apply to deep draft vessels, tugboats, towboats, barges, launch vessels and other commercial vessels, as those terms are defined by the board by rule, engaged in marine commerce or the transportation of cargo on the Willamette River beginning at river mile 0 and ending at river mile 26.

[4] (5) The board may designate certain rivers or sections of rivers as hazardous. In making such designations, the board may consider recommendations of guide associations incorporated in this state.

[5] (6) Regulations regarding operation of boats pursuant to this section shall be adopted in accordance with the provisions of ORS chapter 183.

[6] (7) Any speeds in excess of the speeds designated by the board, as provided in this section, shall be prima facie evidence of the violation of ORS 830.315.

Passed by House April 8, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 22, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State